

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HAROLD ATENCIO,

Plaintiff,

v.

1:23-cv-00331-JMR-GJF

SAM BREGMAN, in his official capacity
as the District Attorney of the Second
Judicial District,

Defendant.

AMENDED PRETRIAL ORDER

THIS MATTER came before the Court at the Pretrial Conference held on September 21, 2023. The Court hereby consolidates the preliminary injunction hearing and the trial, pursuant to Federal Rule of Civil Procedure 65(a)(2). The Court will hold a bench trial on October 3, 2023. *See* Doc. 30. The Federal Rules of Evidence will apply. The Court sets the following deadlines:

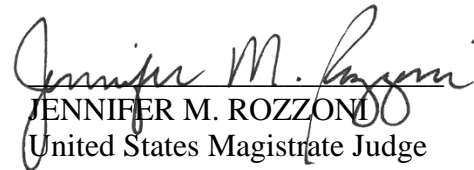
The parties may file short simultaneous briefs on how the Notice of Non-Intent to Prosecute (Doc. 32) affects plaintiff's standing by 5 p.m. on **September 26, 2023**, but they are not required to do so. Should defendant raise a mootness argument related to Doc. 32, plaintiff shall have until 5 p.m. on **September 28, 2023**, to respond to the issue.

The parties shall exchange exhibits and proposed exhibit lists and provide exhibit binders and electronic copies of exhibits to the Court by **September 26, 2023**. The parties should file a joint list of exhibits they agree are admissible with the Court no later than **September 28, 2023**. Should the parties be unable to agree on the admissibility of certain exhibits, the parties should file separate exhibit lists. The parties should be prepared at trial to specify the Rule of Evidence or other legal authority for objection to the contested exhibit(s). The parties should use Judge Fashing's Exhibit List form (under Judge Fashing's Trial Preparation Instructions).

The parties shall exchange a complete list of witnesses and file a copy with the Court no later than **September 26, 2023**. The parties should use Judge Fashing's Witness List form (under Judge Fashing's Trial Preparation Instructions).

Motions in Limine are due no later than **September 26, 2023**. Responses are due no later than **September 28, 2023**. Replies will not be entertained.

Proposed Findings of Fact and Conclusions of Law are due no later than 5 p.m. on **October 10, 2023**.


JENNIFER M. ROZZON
United States Magistrate Judge
Presiding by Consent